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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,851	07/10/2003	Tomohiro Okumura	2003_0932A	9994

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EXAMINER	
ALEJANDRO MULERO, LUZ L	
ART UNIT	PAPER NUMBER
1763	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,851

Applicant(s)

OKUMURA ET AL.

Examiner

Luz L. Alejandro

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-9, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Baldwin, Jr. et al., U.S. Patent 6,280,563.

Baldwin, Jr. et al. shows the invention as claimed including an apparatus for plasma doping, comprising: a vacuum container 12 defining a chamber therein, the container having a portion made of a dielectric material such as quartz (see col. 7-lines 2-3) and bearing an impurity 56 to be doped in a substrate 11 provided in the chamber; and a plasma source (for example, 40) operable to generate a plasma in the chamber by forming an electric field through the portion of the container, so as to cause ion in the plasma to impinge against the portion of the container to draw the impurity out of the portion of the container into the chamber, wherein the impurity can comprise aluminum (see col. 11-lines 25-30 and fig. 1 and its description).

With respect to claims 2 and 9, note that the impurity 56 is deposited on a surface of the portion of the container.

Regarding claims 4 and 11, note that the plasma source comprises: a coil or antenna 36; and a power source operable to apply a high frequency power to a first end of the coil or antenna so as to generate the plasma in the chamber, wherein the power source comprises a first power supply 40 operable to supply a first power with a first frequency and a second power supply 48 operable to supply a second power with a second frequency.

Concerning claims 5 and 12, note that a second end of the coil or antenna is grounded through node 38.

With respect to claims 6 and 13, note the presence of a biasing electrode 44 provided between the coil or antenna and the portion of the container and a second power source 57 to apply a second high frequency power to the biasing electrode.

Furthermore, with respect to claim 7, note that a device can be formed by the apparatus of fig. 1.

Claims 1-3 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda et al., U.S. Patent 6,624,084.

Maeda et al. shows the invention as claimed including an apparatus for plasma doping, comprising: a vacuum container defining a chamber therein, the container having a portion made of a dielectric material such as quartz (see col. 9-lines 2-3) and bearing an impurity to be doped in a substrate provided in the chamber (see conductive member of fig. 1B which can be a material such as aluminum); and a plasma source 11 operable to generate a plasma in the chamber by forming an electric field through the

portion of the container, so as to inherently cause ion in the plasma to impinge against the portion of the container to draw the impurity out of the portion of the container into the chamber, wherein the impurity can comprise aluminum (see fig. 1B and 3 and their description).

Concerning claims 2-3 and 9-10, note that the impurity is deposited on a surface of the portion of the container and is provided inside the portion of the container.

Furthermore, with respect to claim 7, note that a device can be formed by the apparatus of fig. 1B and 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4-6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al., U.S. Patent 6,624,084 in view of Baldwin, Jr. et al., U.S. Patent 6,280,563.

Maeda et al. is applied as above but does not expressly disclose the claimed power source and a biasing electrode provided between the coil and the antenna. Baldwin, Jr. et al. discloses a power source applied to a coil wherein the power source comprises a first power supply 40 operable to supply a first power with a first frequency and a second power supply 48 operable to supply a second power with a second frequency. Furthermore, Baldwin, Jr. et al. also discloses a biasing electrode 44 provided between the coil or antenna and the portion of the container (see fig. 1 and its description). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Maeda et al. so as to include the power source and biasing electrode of Baldwin, Jr. et al. because such a power source allows for greater control over the process conducted within the apparatus and the presence of the biasing electrode allows for effective inductive coupling of the plasma in the processing chamber.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luz L. Alejandro whose telephone number is 571-272-1430. The examiner can normally be reached on Monday to Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1763

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Luz L. Alejandro
Primary Examiner
Art Unit 1763

March 7, 2005